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## **4. LOU (Lodged Order Upload)**

## 4.1. LOU (Lodged Order Upload) Overview

- (a) **Effective Date.** The United States Bankruptcy Court for the Central District of California began accepting electronic orders for ALL judges on November 19, 2007.
- (b) **Separate Program.** Although LOU is separate from the CM/ECF program, it is incorporated into the CM/ECF menu, making it easy for CM/ECF users to find and select.
- (c) **Noticing.** Orders that are uploaded via LOU, and then subsequently entered via the Court's Calendar and Order Generation program ("CIAO!"), will generate either an electronic or manual notice from the Bankruptcy Noticing Center (BNC) upon entry in the court's Case Management (CM) system. For more information on orders noticed through BNC, please refer to section 4.6 of this manual.
- (d) **Order Format.** Electronic orders must be uploaded in MS-WORD format only. Using WORD enables a judge or his/her chambers to edit a lodged order. The order will be entered in PDF format onto the docket and can be accessed normally. If you attempt to upload the order in any other type of format (e.g. PDF), you will receive an error message.
- (e) **Requirements.** The following procedures include the steps for preparing an order which include the **new service and format** requirements for the submission of electronic orders. All orders uploaded electronically using the court's Lodged Order Upload (LOU) program must comply with all of these new requirements.
- (f) **Every Order Uploaded will be Assigned a Document Number.** At the end of each submission you will receive a confirmation which contains the assigned document number, the relevant case information, and the date and time of submission. Please print and retain a copy of the confirmation should you need it for future reference.
- (g) **Help Desk.** If you have any questions, comments or suggestions related to electronically uploaded orders, please contact us at *ECF\_Support @cacb.uscourts.gov*, or call the CM/ECF Help Desk, at (213) 894-2365, Monday through Friday from 9:00 a.m. to 4:00 p.m. (excluding federal holidays).

## 4.2. Order Preparation [LBR 9021-1 and 9004-1]

- (a) **Prior to Electronic Submission.** When preparing a proposed order prior to electronic submission, you must comply with the following procedures. Non-compliance may result in your order being marked as “Unused” (i.e. rejected), and you may need to lodge a new order, further delaying the entry of such order (See below section 4.3(e) - (g) of this Manual).
- (b) **Service of Proposed Orders:**
- (1) **Notice of Lodgment.** If the proposed form of order or judgment is one that, according to the LBRs, must be served on one or more parties in interest (other than the presiding judge), on the same day that you lodge the order, you must file through CM/ECF a notice of lodgment (NOL) of the proposed order (which includes a Proof of Service). Use LBR form F 9021-1.2.BK.NOTICE.LODGMENT if the order will be entered on the docket in the bankruptcy case itself; use LBR form F 9021-1.2.ADV.NOTICE.LODGMENT if the order will be entered on the docket in an adversary proceeding. Attach a copy of the proposed form of order to the NOL and serve the NOL and the attached order on the parties entitled to receive service of the proposed form of order under the LBRs and the presiding judge in accordance with the following procedures. Service of the NOL with a copy of the proposed order attached is the only way that you need to serve a proposed form of order. (If you are not required under the LBRs to serve a proposed form of order on anyone, you are not required to file an NOL with regard to that order.) **DO NOT ATTACH A PROOF OF SERVICE TO THE PROPOSED ORDER AT THE TIME IT IS LODGED** either via LOU or at the Intake window, and do not separately serve the proposed form of order.
  - (2) **Mandatory LBR Form 9013-3.1.PROOF.SERVICE.** Comply with LBR 9021-1 by attaching at the back of your NOL and proposed order a Proof of Service page, using court mandated LBR form F 9013-3.1.PROOF.SERVICE or the exact language and format of that LBR form.
  - (3) **Electronic Signatures.** An electronic signature (“/s/” followed by typed name) is allowed on the Proof of Service of Document page attached to the NOL as long as the person whose electronic signature is used is employed at the office/firm of the attorney whose CM/ECF live login password will be used to lodge the proposed order being served.
  - (4) **Limited Service Required.** Pursuant to LBR 9013-1(o)(3)(B), and LBR 9021-1(b)(3)(A), a proposed order must be served only upon any person, entity, or attorney who filed an opposition to the moving papers, or who was required to sign approval of a stipulation that resolved the motion or other request for relief. **There is no obligation to serve the proposed order on any other person or entity,** including a case trustee or the United States trustee.
  - (5) **Organizing Contact Information on Service List.** Comply with LBR 9021-1(b) when organizing the list for the **Proof of Service of Document:**

- (A) Service by NEF on CM/ECF Parties. Whenever a NOL is filed via the court's CM/ECF system, CM/ECF users are served via an NEF as noted in section 3.8(b). Please list these recipients in Category 1 on the Proof of Service.
- (B) Service by Mail, Email, or Facsimile. Parties other than CM/ECF users must be served by regular or overnight mail, or email/facsimile if permission has been obtained to serve documents by email/facsimile. Please list these recipients in Category 2 or 3 on the Proof of Service.
- (6) Judge's Copy. The presiding judge must always be listed on the proof of service for any NOL filed unless that NOL is an NOL concerning an order granting or denying a motion for relief from the automatic stay, or a motion to impose or continue the stay.
- (c) **Format and Content of Order** (See order example in section 4.4(c), Exhibit 1 of this Manual).
- (1) Caption Page. All orders require a caption page in compliance with the formatting instructions identified in section 2.5(c) of this Manual:

Caption Page	
A.	Leave top right-hand corner (lines 1-7) blank, for use by clerk;
B.	Properly caption all parties, including debtor and adversary parties;
C.	Properly format the case or adversary proceeding number including the initials for the presiding judge;
D.	Title the order to be consistent with the request for relief, including, for example, "Order Granting Motion for..." or "Order Approving Stipulation for..."; Do not include the word "Proposed" in the title of the order.
E.	Include a hearing date on all orders on which a hearing is or was scheduled, or when a future hearing date will be affected.

- (2) Content of Order.
- (A) Comply with Ruling and Mandatory LBR Form. The content of any order must comply with the ruling made in court or the request for relief made via a non-hearing motion. If a court mandated LBR form order is required, do not change any of the pre-included language of the form. The exception would be the judge's signature line as noted in section 4.2(c)(2)(B) below.
- (B) No Signature Line for the Judge. Do not include a signature line for the judge. Instead, at the end of the content of the order, insert the symbol "###" to indicate that no further language is needed. Follow the example set forth below in section 4.4, Exhibit 1 of this Manual.

- (C) Leave Space for Judge's Electronic Signature. On the page which contains the symbol "###", please leave approximately 3 inches at the bottom of the page for placement of the judge's electronic signature.
- (3) Proof of Service. Do not prepare a proof of service. See Notice of Lodgment procedure under section 4.2(b)(1).
- (4) Notice of Entered Order and Service List.
- (A) Mandatory LBR Form F 9021-1.1.NOTICE.ENTERED.ORDER. The last part of a proposed order must be a "Notice of Entered Order and Service List" using mandatory LBR form F 9021-1.1.NOTICE.ENTERED.ORDER, or the exact format and language of that form.
- (B) Service Methods. When organizing the **Notice of Entered Order and Service List**:
- (i) Proper Categories. Organize the **Notice of Entered Order and Service List** using the three categories identified below:
- a. 1. Served by the Court via Notice of Electronic Filing ("NEF"). List the names and e-mail address of attorneys (including movant's counsel) who are entitled to notice of the order and are listed in CM/ECF on the Electronic Mail Notice List to receive NEF transmission. The United States trustee and case trustee will always be in this category.
- b. 2. Served by the Court via United States Mail.
- (1) Bankruptcy Case. The debtor will always be in this category. Also list the debtor's attorney if that attorney is not listed in CM/ECF on the Electronic Mail Notice List to receive NEF transmission. **DO NOT** list names that are served via NEF, nor any other person/entity, including other lien holders, co-borrowers, or persons/entities who merely file a request for special notice.
- (2) Adversary Proceedings. All parties and attorneys who are not on the Electronic Mail Notice List to receive NEF transmissions, and whose complete address is on the adversary proceeding docket.
- c. 3. Served by the Lodging Party. A party or attorney who is entitled to service of the order, but is not in Category 1 or 2 must be listed in Category 3. Also, recognizing that a movant may wish for additional persons or entities to receive a copy of an entered order, and balancing this with limiting the court's duty to serve notice of entry of an order, the movant may serve a copy of the entered order on additional person or entities and list the names and method

of service in this section. Movant must then file a proof of service certifying that service has been rendered.

**NOTE:** A judge's copy of this proof of service is not required.

- (ii) Identifying NEF Recipients. To identify persons or entities who are to be served electronically, log into CM/ECF (**not** PACER). Access the information by selecting *Utilities > Miscellaneous > Mailings... > Mailing Info for a Case > (insert Case/Adv number) > Submit.* Electronic recipients will be listed under "Electronic Mail Notice List."

**(d) Orders Approving Stipulations.** Orders Approving Stipulations must be lodged separately from the stipulation according to the following procedure:

- (1) Obtain all necessary signatures on the Stipulation.
- (2) DO NOT prepare a combined Stipulation and Order.
- (3) File the Stipulation via CM/ECF with all necessary signatures, so that the only electronic signature is the signature of the CM/ECF registered attorney who is filing the stipulation via CM/ECF.
- (4) Prepare a separate Order Approving Stipulation in MS-WORD format.
- (5) In the text of the Order Approving Stipulation, indicate the complete title of the stipulation and docket number entry of the stipulation.
- (6) When uploading the electronic order, select the docket entry for the Stipulation as the relevant Motion type.
- (7) Comply with all procedures in this section, 4.2.

**(e) Orders on Section 362 Motions re: Relief from Stay, Imposing or Continuing Stay.**

- (1) All Section 362 Orders are served electronically by the court via NEF to trustees, the United States trustee, and to the attorneys who are on the Electronic Mail Notice List for the particular bankruptcy case.
- (2) All Section 362 Orders are served by U.S. Mail on debtor and debtor's attorney, if any, unless the attorney receives electronic notice via NEF.

**(f) Orders Granting Motions for Approval of Settlement Agreement, Sale Agreement, or Other Agreement or Plan.** Orders granting Motions for orders approving sale agreements, settlement agreements or other agreements or plans must be submitted according to the following procedure:

- (1) Do not attach any agreements or plans to the order;
- (2) Refer in the Order to the filing date and docket number of the motion or other filed document to which the agreement was attached and provide the exhibit number or letter used to refer to the agreement in that document.

- (g) **Exhibits and/or Attachments to Order.** There are several methods for uploading an exhibit and/or attachment along with your electronic order. Exhibits and/or attachments must comply with the following:
- (1) **PDF Format.** A PDF formatted exhibit and or/attachment lodged along with the electronic order (such as signature pages of parties indicating approval of form of order, or a property description), must not exceed 10 pages unless otherwise approved by the presiding judge.
  - (2) **MS-WORD.** An exhibit may be uploaded in MS-WORD format as part of the proposed order as long as it does not exceed 10 pages. **DO NOT** upload a MS-WORD image.
  - (3) **Other Exhibits.** If an exhibit exceeds 10 pages, the exhibit must be filed and referred to according to the following procedure.
    - (A) **Exhibit is attached to the motion.**
      - (1) In the order, refer to the motion and the number or letter that identifies the exhibit.
    - (B) **Exhibit is not attached to the motion.**
      - (1) Convert the exhibit to a PDF document and file it via CM/ECF by selecting the docket event “Exhibit”;
      - (2) Relate the exhibit to the applicable motion/application;
      - (3) Provide a copy of the exhibit along with a judge’s copy of the order and LOU receipt as specified under section 4.2(c) of this Manual; and
      - (4) Contact the applicable judge’s courtroom deputy and advise of submission of the exhibit.
- (h) **Miscellaneous.** To ensure your order can be edited by the court, verify the following prior to uploading:
- (1) No Hyperlinks;
  - (2) No Macros;
  - (3) No Security;
  - (4) Not a Read-Only document; and
  - (5) Not Locked in any way.

### 4.3. Order Upload

- (a) **Access to the Lodged Order Screen.** CM/ECF Users can upload MS-Word formatted orders electronically on either a main bankruptcy case or adversary proceeding by using the Lodged Order Upload (LOU) feature (accessible from the Court's CM/ECF system). The uploading screen can be accessed under *Bankruptcy Events* menu (for bankruptcy cases) or *Adversary Events* menu (for adversary proceedings).
- (b) **Order Upload Screen.** The Order Upload screen enables the user to electronically lodge an order for the Court on motions and certain non-motion types (e.g., petitions, disclosure statements, plans, and adversary complaints) that have been filed and recorded onto the CM/ECF docket.
- (c) **Linking the Proposed Order to Applicable CM/ECF Docket Entry.** The upload process requires the CM/ECF user to select the applicable CM/ECF docket entry that the order relates to. The same docket entry must be selected when filing the Notice of Lodgment. (See section 4.2(b) of this Court Manual).
- (d) **Rejected Orders.** If your proposed order is rejected or if there is something further that the court will require you to do before it will sign the order that was lodged, you may receive notification from the court either by e-mail or by telephone. The body of the e-mail may contain specific information stating the reason(s) for rejection or the additional steps that must be taken before the court will sign the order that was lodged. If a new corrected order needs to be uploaded, login to CM/ECF to "add" a new order. The unused order will NOT be docketed onto the Case Management ("CM") docket.

### 4.4. Quick Reference Guide for LOU

- (a) **Uploading a Proposed Order.**
  - (1) A proposed form of order electronically uploaded to the court via the LOU program must contain the following three elements:
    - (A) The proposed form of order;
    - (B) Notice of Entered Order and Service List.

**Do not include a proof of service of the proposed form of order in the version that is uploaded through LOU. (If a NOL must be filed, the NOL that you separately file with a copy of the proposed order is the court's record of who was served with the proposed order.)**
  - (2) Both elements are to be uploaded as a single document in Microsoft Word format (version 2003 or older). (See *Exhibit 1* in this section of the Manual).
  - (3) If allowed, an exhibit and/or attachment may be uploaded in PDF format along with the order. (See section 4.2(g) of this Manual).



(b) **Identifying Service Lists.**

- (1) If a party is a registered CM/ECF user they will only receive a Notice of Electronic Filing (“NEF”) of the entered order.
- (2) The debtor and debtor’s attorney, if any, will receive from the court a BNC notice of the order.
- (3) If a party requires notice and will not receive a BNC notice or an NEF, the lodging party must put the name and address of that party in Category 3 of the Notice of Entered Order and serve a copy of the entered order on these parties. (After this service has been accomplished, the lodging party should file a proof of service to this effect within 72 hours.) .
- (4) The CM/ECF Mailing Information (“Mailing List”), accessible from the Utilities menu in CM/ECF, can be queried by both external CM/ECF users and internal court staff to determine how parties will receive notice of the entered order. *[Graphic removed intentionally.]*
- (5) To query the CM/ECF Mailing Information, click on **Utilities > Mailings (under Misc) > Mailing Info for a Case**, input the relevant Bankruptcy or Adversary Proceeding number, then **Submit**. The mailing information for the specified case/adversary proceeding will appear with all parties found in CM/ECF, and will be listed under either the Electronic Mail Notice List (“EMNL”), the No Notice List, or the Manual Notice List (“MNL”).

(A) **Bankruptcy Main Case**

- (i) Parties listed under the EMNL will receive an NEF.
- (ii) Parties who are on a related adversary case and have asked **not** to receive notice/service for the lead bankruptcy case will appear under the “No Notice List.”
- (iii) Parties listed under the MNL who are entitled to service must be added to Category III of the NOE and be served by the lodging party.
- (iv) The debtor(s) and debtor(s) attorney, although not listed in the CM/ECF Mailing Information, will receive the entered order via the BNC .
- (v) Attorneys representing a party in a related adversary proceeding will appear on the CM/ECF Mailing Information for the main case but will not receive BNC notices for actions in the main case. They will, however, receive a BNC notice for actions in the adversary proceeding.

(B) **Adversary Proceedings**

- (i) All parties listed under the EMNL will receive an NEF.
- (ii) All parties listed under the MNL will receive a BNC notice.

(C) Miscellaneous Information

- (i) You are not required to provide the court with envelopes for its use in connection with the service of any entered orders.
- (ii) A BNC notice will NOT be sent to any incomplete or duplicate address. In this case, the BNC Certificate of Notice acknowledges the party, but lists the party under "Bypassed Recipients," and states the reason for bypassing the party as either undeliverable or duplicate.
- (iii) To quickly identify whether a name appears in the CM/ECF Mailing Information list, use the control function, Ctrl+F. Type in the last name of the party and click "*Find Next*." The system will automatically highlight the name if it appears on either the EMNL or MNL.
- (iv) An NEF will be sent to all registered CM/ECF users who appear when querying the EMNL of the CM/ECF Mailing Information for a main case for actions in both the main case and an adversary proceeding.

(c) **Processing of Entered Order.** Once signed by the judge, the order will be entered on the court's docket by the Clerk's Office. Within 72 hours, the Certificate of Notice will appear on the court's docket



## 2. SERVICE LIST FOR ENTERED ORDER

### NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled: **ORDER GRANTING DEBTOR'S OBJECTION TO CLAIM NO. 10 OF PROGRESSO CANNERY** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)** – Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (date) \_\_\_\_\_, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

☐ Service information continued on attached page

**2. SERVED BY THE COURT VIA UNITED STATES MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses stated below:

☐ Service information continued on attached page

**3. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☐ Service information continued on attached page

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

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**F 9021-1.1.NOTICE OF ENTERED. ORDER**

## 4.5. Noticing Terminology Glossary

- (a) **BNC Notice:** A notice from the court (either in paper or e-mail) delivered by the Bankruptcy Noticing Center (BNC), a government contractor, from a computer file prepared by CM/ECF (the court's case management system).
- (b) **Certificate of Notice:** Evidence that ***the court, or its agent,*** has performed their noticing/service duty.
- (c) **CIAO!:** A windows-based application developed by the U. S. Bankruptcy Court for the Central District of California for scheduling and calendaring hearings, and for processing electronic orders.
- (d) **CM/ECF Mailing Information (Mailing List) on a Main Case:** A list of names known to CM/ECF used for noticing. May ***include parties*** who are not entitled ("over service") and may ***exclude parties*** who are entitled to service ("under service").
  - (1) The list contains two sections:
    - (A) The *Electronic Mail Notice List (EMNL)* which identifies parties receiving both an NEF and a BNC notice; and
    - (B) The *Manual Notice List (MNL)* which identifies parties to be served only via BNC notice.
  - (2) If an Adversary Proceeding is filed, the attorney for the plaintiff and/or defendant will appear on the list of the related main case. They will NOT, however, receive a BNC notice for main case actions.
- (e) **CM/ECF Mailing Information (Mailing List) on an Adversary Proceeding:** A list of names known to CM/ECF used for noticing which are exclusive to the adversary proceeding. May ***include parties*** who are not entitled ("over service") and may ***exclude parties*** who are entitled to service ("under service"). Noticing works the same as the Main Case Mailing List, except applies to Adversary Proceedings.
- (f) **CM/ECF Party List:** All persons or entities known to CM/ECF that have brought corresponded to an action in the case, including those filing a request for special notice.
- (g) **Creditor List:** Every creditor in the case. Can also include parties manually added by virtue of filing a Request for Special Notice.
- (h) **Electronic Bankruptcy Notice (EBN):** An electronic form of notice generated by BNC.
- (i) **Electronic Notice List (ENL):** A list of parties in CM/ECF that receive email notice service in a particular case (see CM/ECF) screen sample in Section 4.4(b)).
- (j) **Electronic Service:** Electronic service by way of a Notice of Electronic Filing ("NEF"), or an electronic notice from the Bankruptcy Noticing Center (BNC/EBN).

- (k) **Entered Order:** An order that has either been signed or approved for entry by a judge and subsequently entered on the court docket.
- (l) **Lodged Order:** A proposed form of order that has been submitted to the court for judicial review and is not yet signed or entered on the court docket.
- (m) **Lodge Order Upload (LOU):** An Internet based program that allows CM/ECF users to lodge proposed form of orders with the court.
- (n) **LOU Receipt:** A screen presentation in LOU indicating successful upload of a proposed form of order. It should be printed and serves as a receipt.
- (o) **Mailing Matrix:** A superset mailing list that includes all parties on the Creditors List and CM/ECF Party List.
- (p) **Manual Notice List (MNL):** A list of parties in CM/ECF that do not receive electronic notice in a particular case and, therefore, must be served manually (see CM/ECF screen sample in Section 4.4(b)).
- (q) **Notice of Electronic Filing (NEF):** A notice of electronic filing transmitted directly by CM/ECF via e-mail to all registered CM/ECF users who are parties to the case indicating that a transaction occurred on CM/ECF.
- (r) **No Notice List:** A list of parties in CM/ECF who have asked not to receive any notices in a particular case (see CM/ECF screen sample in Section 4.4(b)).
- (s) **Notice of Entry:** Clerk's Office certification on the docket that an order was entered and signed by the court.
- (t) **Notice of Lodgment (NOL):** LBR forms (F 9021-1.2.BK.NOTICE.LODGMENT for bankruptcy cases or LBR form F 9021-1.2.ADV.NOTICE.LODGMENT for adversary proceedings) filed via CM/ECF, to which a copy of an order that will be or has been lodged must be attached. (The order must still be separately lodged.) As the NOL is docketed and linked to the applicable motion, a record is created of the lodged order or judgement and the parties served with the lodged order or judgment.
- (u) **Proof of Service:** The certification by a party, usually ***an attorney***, indicating completion of their noticing/service duty on all pertinent parties.
- (v) **Service List:** The list of parties that are to be served that may be included with the Proof of Service or Certificate of Notice.

## 4.6. **Orders Served through the Bankruptcy Noticing Center (BNC)**

- (a) **Notice and Service by Mail.** The Bankruptcy Noticing Center will give notice of the entry of the judgment or order by mail only as follows:
  - (1) **Bankruptcy Cases.** The BNC will send notice of an order ONLY to the debtor and debtor's attorney (when not a registered CM/ECF User).
  - (2) **Adversary Proceedings.** A complete street address must be listed on the CM/ECF docket for an adversary proceeding in order for the BNC to deliver notice of an

order. If an address is missing or incomplete, the BNC will not deliver a notice to that party or attorney. Please contact 1-855-460-9641, if there is an address missing from the docket.

- (A) Parties. The BNC will send notice of an order to all plaintiffs and all defendants whose complete street addresses are listed on the CM/ECF docket for the adversary proceeding.
- (B) Attorneys. The BNC will send notice of an order to attorneys who do not receive notices electronically by NEF, if a complete address is listed on the CM/ECF docket for the adversary proceeding.

**(b) Notice and Service on other Parties.** Any persons or entities who (1) do not receive orders by NEF, (2) who are entitled to such service of an order or judgment pursuant to FRBP 9022 and LBR 9021-1(b), and (3) will not be served by BNC, must be served as follows:

- (1) Lodged Party Serves the Order or Judgment. If a party lodges the order, that party must promptly serve the order on that person or entity and file a Proof of Service of Document within 72 hours from entry of the order or judgment.
- (2) Court Serves the Order or Judgment. If the court prepares the order, and the person or entity does not receive service via NEF, the court will send the order by U.S. mail to that person or entity.